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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHAMPAGNE, LUNA

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

11/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/960,300	Applicant(s) TSUDA ET AL.	
	Examiner Luna Champagne	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-27, 29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-27, 29 and 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments received on 9/18/2007, along with the Declaration under 37 C.F.R. 1.131 (C) are acknowledged. Claims 24-27, 29, 31-34 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 24-27, 29, 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Woolston (6,085,176).

Woolston discloses a computer readable storage medium storing instructions that when executed cause a processor to perform a method comprising (See, e.g., col. 3, lines 9-15):

receiving possession specifiers, each specifying a possessed merchandise that one of a plurality of customers possesses, transmitted from the customers via a network (via for example posting terminal where user enters descriptions such as the name of the item, and a brief description of the item - See, e.g., col. 15, lines 53-67):

maintaining first records, each concerning the possessed merchandise that at least one of the customers possesses, based on the possession specifiers (via creating

database of used goods or collectibles hereinafter "goods" and via creating past transaction that specifies and/or identities the owner of a particular good to a consignment node that may be networked via TCP/IP and the internet or a private or public network or service providers network - See, e.g., fig. 5; col. 16, lines 3-5):

determining, when receiving a purchase order for an identified merchandise transmitted from the customer via the network, whether the identified merchandise is in possession of the customer based on the record concerning the possessed merchandise, and transmitting a result of said determining to the customer when determining that the customer possesses the merchandise stated in the purchase order (See, e.g., col. 18, lines 30-47).

storing records in a database for a plurality of users, each related to a merchandise possessed by an owner, based on information about the merchandise received via a network and indicating whether the owner wants to retain the merchandise (See, e.g. col. 3, lines 51-67, col. 4, lines 1-1);

responding to a request from an ordering user for a requested merchandise with a report on an amount of the requested merchandise possessed by the user when the records stored in the database indicate that the ordering user possesses the requested merchandise (See, e.g. col. 3, lines 27-32);

receiving unwanted merchandise specifiers (See, e.g. col. 4, lines 12-14 – *Bar Code label*); each specifying an unwanted merchandise any of the customers does not want anymore, transmitted from any of the customers via the network (See, e.g. col. 3, lines 51-67; col. 4, lines 1-3);

consolidating second records concerned with unwanted merchandises (See, e.g. col. 13, lines 32-40 - *The market 450 will display to the participant market categories 452, categories may be defined by the consignment node user to reflect the specialization of his consignment node and the specialized markets or miscellaneous markets for his goods*);

and presenting a result of the consolidating to potential buyers (See, e.g. col.4, lines 40-44- *the participant or local resident may now electronically present his Frank Robinson card to any consignment node, consignment node auction or consignment node market maker in the consignment node network*).

Response to Arguments

3. Applicant's arguments with respect to claims 24-27, 29, 31-34 have been considered but are moot in view of the new ground of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walker (US 6,988,077 B1), Williams et al. (6,058,379).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on Monday - Friday, 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Luna Champagne
Examiner
Art Unit 3627

November 8, 2007

 11/9/07
MICHAEL CUFF
PRIMARY EXAMINER